IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
(1) CRIMINAL APPLICATION NO.3095 OF 2005
WITH
(2) CRIMINAL APPLICATION NO.3096 OF 2005

Mr.R.K.Agarwal ..Applicant
Vs.
State of Maharashtra & Anr. ...Respondents

...
Mr.A.M.Saraogi Advocate for Applicant
Mr.Y.S.Shinde A.P.P. in Cri.Application No.3095 of 2005 and Mr.V.B.Konde-Deshmukh A.P.P. in Cri.Application No.3096 of 2005 for the State
Ms.Trupti Puranik for Respondent no.2-B.M.C.
...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : JUNE 22,2005

P.C.

1. Heard the learned advocate for the applicant and the learned A.P.P. for the State.

2. The applicant is seeking quashing of proceedings relating to Case No.66/SL of 2004 and 65/SL of 2004 pending before the Metropolitan Magistrate, 13th Court at Dadar, Mumbai. In the said case, the process has been issued against the applicant under Sections 8 & 4(1) of the Maharashtra Workmens' Minimum House Rent Allowance Act, 1983 read with Rules 4, 12 and 13 of the

Maharashtra Workmens' Minimum House Rent Allowance Rules, 1990. If the proces issued against the applicant is set aside, the proceedings in respect of the applicant would come to an end. The learned advocate for the applicant submitted that the learned Magistrate committed an error in issuing process and the said process deserves to be set aside.

3. For the reasons recorded in my order dated 8th June, 2005 in Cri.Application No. 645 of 2005 and order dated 13th June, 2005 in W.P.No. 213 of 2005, in my view, it is clear that the applicant has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicant prefers a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicant to prefer the necessary revision before the concerned Sessions Court. Stay granted in respect of the proceedings before the trial Court for a period of five weeks from today. Advocate for the applicant shall give one week's advance notice in respect of

filing of the revision to respondent no.2. The learned advocate for the respondent no.2 Municipal Corporation fairly states that no objection will be raised by respondent no.2 in respect of delay in filing the revision before the Sessions Court.

5. The learned advocate for the applicant has further prayed that non-bailable warrants issued against the applicant in the said cases be quashed. In my view, it would be appropriate that the applicant approaches the trial Court for setting aside the non-bailable warrants. In order to enable the applicant to approach the trial Court and to take necessary steps in respect of the non-bailable warrants, the said non-bailable warrants are stayed for a period of six weeks from today.

6. On the necessary revision being preferred by the applicant before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing necessary parties.

7. Criminal Applications are disposed of.

[V.K.TAHILRAMANI,J.]